

MEMO ENDORSED

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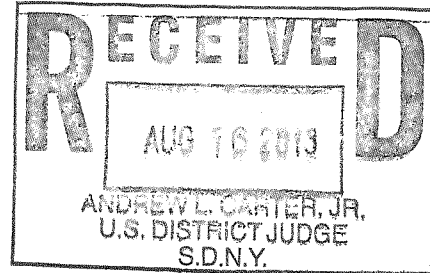
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August 16, 2013

VIA ELECTRONIC MAIL

Honorable Andrew L. Carter, Jr.
United States District Judge
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007



Re: da Silva Moore, et al. v. Publicis Groupe SA, et al. (11-CV-1279) (ALC) (AJP)

Dear Judge Carter:

Plaintiffs respectfully request that the Court allow them to file a consolidated reply brief in support of their class certification motion. Each Defendant filed a separate opposition brief on August 13, 2013. Rather than filing two separate reply briefs, Plaintiffs strongly believe that a consolidated reply brief is far more efficient, both for Plaintiffs and the Court, particularly given the significant overlap in Defendants' opposition briefs (e.g. Plaintiffs would not have to unnecessarily burden the Court by making many of the same arguments and filing the same voluminous supporting documents twice). Further, Defendants will not be prejudiced if this request is granted, as Plaintiffs' consolidated reply brief would not exceed the total page limit previously set by the Court.

Accordingly, Plaintiffs request permission to file a consolidated reply brief in response to Defendants' opposition briefs (Dkts. 453, 454). Plaintiffs notified Defendants of their intention to make this request, and Defendants stated that they object.

We thank the Court for its time and consideration.

Very truly yours,

/s/ Susan Rubenstein

Susan Rubenstein

Plaintiffs may file a consolidated reply brief of 30 pages.

The application is

Andrew *granted.* *2*

CC: Magistrate Judge Peck (via fax)
All Counsel of Record (via e-mail)

Andrew L. Carter Jr., U.S.D.J.
Dated:

8/26/13

NY, New York

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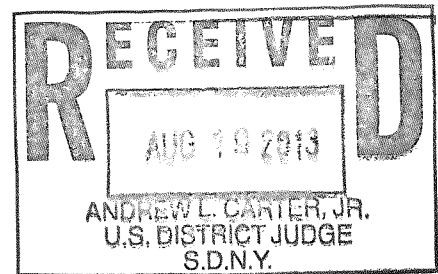
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August 19, 2013

VIA E-MAIL

Hon. Andrew L. Carter, Jr.
United States District Judge
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007-1312



Re: *da Silva Moore, et al. v. Publicis Groupe SA, et al.*
Case No. 11-CV-1279

Dear Judge Carter:

We represent Defendant MSLGROUP Americas, Inc. We are writing to object to Plaintiffs' request to file a 30-page consolidated reply brief in support of their motion for class certification as set forth in their letter dated August 16, 2013.¹ The Court previously rejected Plaintiffs' request to file separate reply briefs of 25 pages each and instead ordered Plaintiffs to file separate reply briefs, limited to 20 pages in response to the MSLGROUP brief and ten pages in response to the Publicis Groupe brief. [Dkt No. 422]. Plaintiffs' current request circumvents this ruling because it would permit Plaintiffs 10 additional pages of reply briefing to oppose MSLGROUP's brief even though the Court previously limited Plaintiffs to 20 pages, clearly prejudicing MSLGROUP. Plaintiffs "consolidated" brief, for example, could allocate 29 pages to arguments raised by MSLGROUP and one page to arguments raised by Publicis Groupe, or vice versa. Plaintiffs assert it would be more efficient to file one consolidated brief because it would avoid Plaintiffs having to make the same arguments twice, but Plaintiffs need not make the same argument twice. If the argument applies to both Defendants, they need only make it once, and can simply incorporate it by reference as MSLGROUP and Publicis Groupe did.

¹ Defendant Publicis Groupe joins in this objection.

Accordingly, because the Court previously set forth the page limitations for briefing the class certification motion and Plaintiffs' request would unfairly prejudice Defendants, Defendants respectfully request that the Court deny Plaintiffs' application.

JACKSON LEWIS LLP

/s

Jeffrey W. Brecher
Victoria Woodin Chavey

JWB/mf

cc: Hon. Andrew J. Peck (via fax)
Counsel of Record (via e-mail)